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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DONALD LEE BROWN,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, *et al.*,

12 Defendants.

CASE NO. C06-362-JLR-MJB

REPORT AND RECOMMENDATION

13 In March 2006, plaintiff Donald Lee Brown presented to this Court for filing, a civil rights
14 complaint under 42 U.S.C. § 1983, together with an application to proceed with this action *in forma*
15 *pauperis*. A review of plaintiff's complaint, and the documents attached thereto, suggested that
16 plaintiff intended to challenge the adequacy of the health care he received while incarcerated at the
17 King County Jail. Plaintiff identified the State of Washington and "Jail Health Service" as the only
18 two defendants in this action.

19 On April 17, 2006, plaintiff's application for leave to proceed *in forma pauperis* was granted
20 and his complaint was filed. (*See* Dkt. Nos. 7 and 8.) On the same date, this Court issued an Order
21 declining to serve plaintiff's complaint and granting him leave to amend. Plaintiff was advised therein
22 that his complaint was defective because (1) the State of Washington could not be sued in this § 1983
23 action, (2) "Jail Health Services" was not a legal entity and could not be sued as such, and (3) the
24 complaint contained no "Statement of Claim." Plaintiff was further advised that in order to
25 adequately alleged a cause of action under § 1983, he must identify each individual whom he
26 believed was responsible for causing him harm, and, as to each individual, he must specifically

1 identify the constitutional right he believed was violated by the conduct of that individual and he
2 must allege specific facts demonstrating that individual personally participated in causing the harm
3 alleged.

4 Plaintiff was granted thirty days within which to submit an amended complaint curing the
5 specified deficiencies, and was advised that his failure to timely submit an amended complaint would
6 result in a recommendation that this action be dismissed for failure to state a claim upon which relief
7 may be granted. On May 17, 2006, plaintiff filed an amended complaint. However, plaintiff's
8 amended complaint fails to adequately correct the deficiencies identified by this Court in its previous
9 Order. In his amended complaint, plaintiff identifies some individual defendants and he includes a
10 "Statement of Claim." However, plaintiff fails to identify the constitutional right he believes was
11 violated by the conduct of each of the individuals whom he identifies as a defendant in his amended
12 complaint. Plaintiff also fails to allege specific facts demonstrating how each of those individuals
13 personally participated in causing him harm of constitutional dimension.

14 When a complaint is frivolous, malicious, fails to state a claim on which relief may be
15 granted, or seeks monetary relief against a defendant who is immune from such relief, the Court may
16 dismiss an *in forma pauperis* complaint before service of process under 28 U.S.C. § 1915(e)(2)(B).
17 Because plaintiff's amended complaint fails to adequately allege a cause of action under § 1983, this
18 Court recommends that this action be dismissed, without prejudice, pursuant to 28 U.S.C.
19 § 1915(e)(2)(B). A proposed order accompanies this Report and Recommendation.

20 DATED this 19th day of June, 2006.

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22 MONICA J. BENTON
23 United States Magistrate Judge
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